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amendment deals with mitigating circumstances. What the Court has said is that there is no restriction as far as what can be offered as a mitigating circumstance. The difference between an aggravator and a mitigator, as they're called in the trade, is that the aggravator is designed to enhance the seriousness of the killing to the point where the death penalty can be imposed. If one or more aggravating circumstances exist, there still has to be a weighing process. Nebraska is known as what's called a "weighing state". That means that the aggravating circumstances are weighed against the mitigating circumstances, and it's not done by comparing the total number of one against the other. There is certain significance or weight assigned to each one of these factors, whether it's aggravating or mitigating, put then into the context of the entire case and a determination is made as to whether the scale tips more toward the side of aggravation or mitigation. If it's more toward aggravation, a death sentence can be imposed. If it tips more toward mitigation, no death penalty can be imposed, and the sentence is life imprisonment. The Court has taken a different point of view in assessing these two categories. As pointed out already, the facts underlying an aggravating circumstance have to be proved beyond a reasonable doubt. In State v. Victor and other cases, the Court has pointed out that there is no burden of proof when you come to mitigating circumstances. All that has to be done is to present them. The Court has also said in those various cases that mitigating circumstances are not limited to those set out specifically in the statute. Different states have differing mitigating circumstances, and they have differing numbers of those mitigating circumstances. So since a weighing process is being engaged in, I guess the Court has determined...and the reason I say, I guess...if the Court viewed these things as I do, the Court could never find a basis for upholding a death sentence. Obviously, the Court does not agree with me because two executions have recently taken place. Nevertheless, the Court has pointed out that if anything can be offered by way of mitigation, that must be allowed and it must be considered. So, now I'm able to read the language of my amendment. In the green copy, on page 3 in line 4, the current language simply says "mitigating circumstances:", then it begins to list them. What I would do is to strike the colon and add these words, "include but are not limited to:". Then that line 4 on page 3 would read: "mitigating circumstances include